

Meeting Minutes
February 16, 2006

Town of Los Altos Hills
City Council Special Meeting

Thursday, February 16, 2006 5:00 P.M.

Council Chambers, 26379 Fremont Road, Los Altos Hills, California

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Special Meeting to order at 5:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Attorney Steve Mattas, Acting City Manager/Planning Director Carl Cahill, Director of Public Works/City Engineer Henry Louie and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to limit the time to comments from the floor to two minutes.

PASSED BY CONSENSUS OF THE COUNCIL: Meeting was reorganized to permit discussion of Agenda Item 6: Closed Session at the beginning of the meeting. Council adjourned to Closed Session at 5:02 p.m. Mayor Pro Tem Warshawsky and Councilmember O'Malley recused themselves and abstained from consideration of this item.

Council reconvened to Open Session at 5:30 p.m.

City Attorney Steve Mattas reported out of Closed Session that Council had provided direction to staff and no action was taken.

2. PRESENTATIONS FROM THE FLOOR

Ed Smith, DeBell Road, commented that he had concerns about a recent letter from the California Water Service to Council that had stated the issues with the cell tower application sited at the DeBell water tower had been resolved. He explained that he was still concerned about the potential traffic on his driveway and the damage that had been incurred during installation.

Acting City Manager/Planning Director Carl Cahill provided a brief status report on the DeBell cell facility project. T-Mobile had been given direction to remove the COW from the site within the next thirty days, a notice of incompleteness had been sent to the vendor and a letter had been sent to all affected property owners by the Town clarifying the outstanding issues. Cahill noted that the lot for the proposed tower was constrained and staff had scheduled a meeting with T-Mobile next week to review alternative construction options for the project.

Smith thanked staff for their letter and their efforts to keep the neighbors apprised of the status of the project.

Randolph Harr, resident, commented that he had spoken with Mayor Kerr recently about the issue of cell towers and he appreciated his generosity of time. He explained that in addition to the survey that he had presented to the Council at the February 9, 2006 meeting, he had personally called over fifty residents that were geographically dispersed throughout the Town to illicit their opinions on cell phone towers and regulations. Harr had shared with the recipients of his calls, his concern that an ordinance was not in place governing cell towers. He reported that 90% of those contacted agreed with his concern. He urged Council to delay consideration of the applications.

Diane Huffman, Catherine Court, suggested that the Council update the Town's cell phone policy to include guidelines. She recommended consideration of a citizen's advisory committee to review cell tower issues. She believed it was the Town's responsibility to ensure that tower locations were safe and appropriate and not rely on the cell phone vendors.

Steve Hubbell, Conejo Court, suggested it would be helpful to educate the residents on the application process and related issues on cell towers. He suggested the Town's Newsletter with an article from an independent source would be an appropriate vehicle for getting the information to residents.

Mark Breier, Esperanza Drive, commented that the citizens of Los Altos Hills had provided Council with their thoughts on this issue, including the results of the Schireson telephone survey that he had underwritten. He suggested that citizens had overwhelmingly expressed that they wanted their input taken into consideration on the location of cell towers. Brier offered that cell phone technology was rapidly changing and that Council should embrace all of the new technologies. Brier offered that the CEQA document that had been prepared for the new Town Hall project had called for the apricot orchard that was the proposed site for the cell tower to be protected. He suggested that Council consider relocating the tower to the other side of Town Hall near the entrance and driveway. For the record, Brier noted that the aerials of Town Hall that were included in the staff report were not current.

Eric Clow, Central Drive, Planning Commissioner, expressed his appreciation for the Council's efforts to improve cell phone coverage in Los Altos Hills. He believed the current cell phone policy had a thoughtful and methodical process in place for siting cell towers.

3. CONSENT CALENDAR

3.1 Introduction of an Ordinance of the City Council of the Town of Los Altos Hills Adopting a Revised Sewer Connection Fee Schedule Applicable to the Los Altos Sewer Basin and the Palo Alto Sewer Basin

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to waive reading and to introduce the ordinance "Adopting a Revised Sewer Connection Fee Schedule Applicable to the Los Altos Sewer Basin and the Palo Alto Sewer Basin".

4. UNFINISHED BUSINESS

4.1 Consideration of a Resolution of the City Council of the Town of Los Altos Hills Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving an Application for a Site Development Permit and Conditional Use Permit for a Wireless and Emergency Communications Facility (Consisting of Three Pairs of Panel Antennas and Five Emergency Communications Antennas Mounted on a 70-Foot Tall Artificial Tree Pole and Associated Ground Equipment) at Town Hall (26379 Fremont Road); File #214-05-CUP-IS-ND (continued from February 9, 2006)

Mayor Kerr advised the public that the Council had taken public input on the Agenda Item 4.1 at the February 9, 2006 City Council meeting public hearing and had deferred Council discussion and action to tonight's Special Meeting.

Acting City Manager/Planning Director Carl Cahill provided Council with a clarification to the comments offered by Mark Brier regarding the preservation of the apricot orchard at Town Hall. Staff displayed a rendering of the orchard that included existing and proposed apricot fruit trees. The original environmental evaluation for Town Hall noted that there was no environmental impact to agricultural resources but called for a revitalization of the existing apricot orchard. The siting of the tree pole antenna would not interfere with the existing trees and if Council chose to move forward with the orchard program, Cingular had expressed a willingness to voluntarily participate in the improvements. Cahill noted that the current orchard was poorly maintained and the trees needed to be evaluated. Dead or dying trees would be replaced.

Councilmember Jones explained that the Council evaluated each application for wireless projects carefully weighing the project's impact on neighbors to the benefit of improved cell service to the residents of the Town. Cingular was a major provider of cell phone service and the proposed antenna at Town Hall had the capability of the co-location of another vendor. He believed Town Hall was an appropriate venue for the project. Jones concurred that technology was changing but at this time, antennas were the best solution to improving cell reception in Town. He suggested the installation could be revisited in five years, and if another solution was preferable and the antenna technology was obsolete, the tower could be taken down. Jones favored Council moving forward and approving the project but wanted assurance that the applicant was in full compliance with all screening requirements. He noted that it was important that the Town was a good neighbor and minimized the impact of the antenna.

Councilmember O'Malley offered that he received more email correspondence from residents regarding poor cell phone reception than any other issue during his tenure as a Councilmember. Council had been seeking a solution to the problem for six years with numerous meetings convened before the Council and Planning Commission. The Town's topography and lack of residential density had proven particularly challenging to cell phone providers and the tower was the best available solution. He favored approval of both Cingular applications before Council.

Councilmember Mordo expressed his support for the application and added that he was also a proponent of Council establishing a citizen's advisory committee to serve as facilitators to the process. He did not want to delay the project but believed it was important to get input from residents as well as the cell companies.

Mayor Pro Tem Warshawsky commented that the topic of poor cell reception in Los Altos Hills had been discussed for years. He concurred that the installation of cell towers was a complex issue and neighbors were often resistant to the projects but he believed the Town's wireless policy that sited the antennas on Town owned properties was an appropriate solution and served the good of the public at the least cost. Warshawsky favored approval of the application and noted that if there was an improvement to the aesthetics of tree poles/antennas, Council could revisit the issue.

Mayor Kerr stated his support for the application noting that the antenna had been sited with an adequate setback and screening. He noted that the Emergency Communications Committee's proposed antenna pole would have been located in the same area next to the Heritage House even if this proposal had not been considered. Now the ECC antenna would be co-located on Cingular's tree pole. Kerr explained that the planned landscaping for the Heritage House area had been suspended in favor of a demonstration garden provided by the Santa Clara Valley Water District, however, that project had not come to fruition and he favored moving forward with the revitalization of the apricot orchard. Kerr spoke to his recent exploratory discussions with Cingular about the possibility of sub-metering the equipment from the Heritage House or combined metering from the whole property. Part of the associated costs of any expansion of the Town's solar plant could be off set by rental income from the Cingular lease. Kerr noted the possibility of additional pole mounted solar panels in the solar orchard and/or solar panels on the agricultural equipment shed. He requested Council consideration of further discussion of his proposal be addressed during the lease negotiations.

City Attorney Steve Mattas clarified for the record that the proposal for additional solar panels was not part of the current project and if it required an environmental review that would be a component of the lease discussion and would accompany the lease signature.

Mattas requested that the applicant for the record express their concurrence with the request for their participation in the revitalization of the orchard that included the installation of new apricot trees and pruning of the existing apricot trees as an additional condition of approval.

Tony Kim, Cingular Wireless, stated that the company would be glad to contribute to a landscaping fund for the proposed orchard.

Planning Director Cahill suggested that their obligation be limited to a dozen trees. That would provide enough trees for the proposed new plantings and any replacements after the existing orchard was evaluated.

Mayor Kerr questioned if Cingular would also be willing to pay irrigation costs which were anticipated to be minimal.

Tony Kim agreed to the expenditure for twelve (12) apricot trees and associated costs for the installation of irrigation.

Mayor Pro Tem Warshawsky questioned how issues of excessive noise from the tower would be addressed. Cahill responded with a brief overview of the Conditional Use Permit conditions that required the applicant to comply with the Town's ordinance that was very strict about acceptable noise levels. In addition, an acoustical report was required prior to final inspection of the equipment to ensure that they were in compliance with the ordinance. Cahill summarized the revocation process for a CUP if the applicant were to fail to comply with the noise requirements.

Councilmember Mordo requested that the COW (Cell on Wheels) be kept operational until the tower was installed. Council briefly discussed the request and consensus was to modify the Conditions of Approval to require the COW be functional for 120 days following City Council action on the project.

City Attorney Mattas offered that regarding the issue of noise concerns, Council could include a provision in the lease to ensure that if there were any noise issues they be remedied immediately. This would eliminate the necessity of any revocation proceedings.

Mattas noted that the Council request to extend the operational time for the Cell on Wheels would amend Condition of Approval #18 to read: "The Cell on Wheels (COW) shall be removed from the Town Hall property within 180 days of City Council action on the proposed project."

Mattas reviewed with Council the proposed resolution before them for their consideration and noted that they would be adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and approving an application for a Site Development Permit and Conditional Use Permit based on the findings and Conditions of Approval that were in their report. Their motion to approve would include the amended Condition of Approval #18 and the additional Condition of Approval that read "Applicant shall pay for installation of up to twelve apricot trees orchard adjacent to the proposed cell tower plus the associated irrigation cost." Mattas noted that the applicant had agreed on the record to the proposed amendments to the Conditions of Approval.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed by the following roll call vote to adopt Resolution 13-05 of the City Council of the Town of Los Altos Hills Adopting a Mitigated Negative Declaration and

Mitigation Monitoring and Reporting Program and Approving an Application for a Site Development Permit and Conditional Use Permit for a Wireless and Emergency Communications Facility (Consisting of Three Pairs of Panel Antennas and Five Emergency Communications Antennas Mounted on a 70-Foot Tall Artificial Tree Pole and Associated Ground Equipment) at Town Hall (26379 Fremont Road).

AYES: Mayor Kerr, Mayor Pro Tem Warshawsky, Councilmember Jones,
Councilmember Mordo and Councilmember O'Malley
NOES: None
ABSENT: None
ABSTAIN: None

- 4.2 Consideration of a Resolution of the City Council of the Town of Los Altos Hills Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving an Application for a Site Development Permit, Conditional Use Permit, and Set Back Variance to Allow a Wireless Communications Facility (Consisting of Three paired Antennas Mounted to a 87-Foot Tall Tree Pole and Associated Ground Equipment) on Lands of Purissima Hills Water District along Arastradero Road between I-280 and Purissima Road (APN#142-16-077); File #216-05-ND-IS-SD-CUP-VAR (continued from February 9, 2006)

Mayor Kerr explained that the item had been continued from the City Council February 9, 2006 regular meeting. Public comment had been taken on the item and Council had deferred their discussion.

Planning Director Cahill noted that he had nothing new to report regarding the permit request.

Council briefly discussed the application. They concurred that the Purissima Hills Water District owned land was an appropriate site for the proposed antenna with minimal impact on neighbors. The application improved cell phone coverage to new homes and along I-280 corridor.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed by the following roll call vote to approve Resolution No. 14-05 of the City Council of the Town of Los Altos Hills Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving an Application for a Site Development Permit, Conditional Use Permit, and Set Back Variance to Allow a Wireless Communications Facility (Consisting of Three paired Antennas Mounted to a 87-Foot Tall Tree Pole and Associated Ground Equipment) on Lands of Purissima Hills Water District along Arastradero Road between I-280 and Purissima Road.

AYES: Mayor Kerr, Mayor Pro Tem Warshawsky, Councilmember Jones,
Councilmember Mordo and Councilmember O'Malley
NOES: None
ABSENT: None
ABSTAIN: None

5. NEW BUSINESS

None

6. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956: 1 case

Meeting reorganized by consensus of the Council to permit discussion of Agenda Item 6 at the beginning of meeting.

7. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the Council at 6:20 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The February 16, 2006 Special City Council Meeting minutes were approved as presented at the March 9, 2006 Regular City Council meeting.